REMARKS

This application has been reviewed in light of the Office Action dated November 19, 2004. Claims 1, 4, 5, 42 and 47 are presented for examination, of which Claims 1, 42 and 47 are in independent form and have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

Claims 1, 5, 42 and 47 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,529,285 (Bobrow et al.), and Claim 4 was rejected under 35 U.S.C. § 103(a) as being obvious from *Bobrow* in view of U.S. Patent 4,800,379 (Yeomans).

As is discussed in the specification, the availability of copyright material on the Internet is pervasive, and the possibility of using hierarchical image data representations makes use (both authorized and improper) of material very easy. The present invention is concerned to aid in preventing misuse of copyright materials available on the Internet.

Independent Claim 1 is directed to an image processing apparatus that comprises input means for inputting image data which complies with a hierarchical data format that hierarchically stores image data of a plurality of resolutions, and determination means for determining if the image data is a specific image. Also provided are output means which, when the determination means determines that the image data is the specific image, select and output image data in a lowest resolution layer. According to Claim 1, the output means enlarge the image data in the lowest resolution layer to a predetermined size, and output the enlarged data.

This structure is supported, at the least, by Figure 16 and the accompanying description in the specification.[1]

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[1] It is of course to be understood that the claim scope is not limited by the details of the (continued...)

Even if *Bobrow* is read as providing a system in which an image processor permits a user to display, and to print out, copyright image data based on the resolution level of the data (that is, in which low-resolution data can be printed out but high-resolution data cannot), nothing has been pointed out in that patent that would teach or suggest that low-resolution data is enlarged to a particular size and then outputted in enlarged form. From the outstanding Office Action, Applicant understands that the Examiner agrees with this reading of *Bobrow*.

Yeomans relates to image display in which a portion of displayed image low-resolution data can be specified and can be replaced, after enlargement, with high-resolution data. *Yeomans* appears to contemplate that if high-resolution data is not available for this purpose, then upon enlargement, the low-level resolution data is used instead.

Applicant understands the outstanding rejection to be based on the belief that it would have been obvious to have used low-resolution output in the system of *Bobrow* if the data being output is subject to copyright. Applicant has carefully studied the prior art and the analysis presented in the office Action, and finds that he cannot agree with this conclusion. To begin with, in *Yeomans*, the whole purpose is to be able to output the data in the specified portion regardless of whether high-resolution data is available for that purpose or not. The low-resolution data is not used to hinder copyright infringement, or in any other fashion o stymie the possible purpose of the user, but rather is adopted in order to be able to give the user an enlarged output of the data at *some* resolution, even if the more desirable high-resolution

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[1] (...continued)
description referred to, but includes all the structure disclosed for performing the relevant functions, and equivalents.

output is not possible. There is no suggestion in either patent that data of a particular resolution should be used based on whether the data sought to be output is subject to copyright or not.

Moreover, as the Examiner himself notes, in *Bobrow* it is contemplated that if the information sought is subject to copyright, then it is not to be permitted to be output, at all. To provide an output of that data, even at a lower resolution, is not only not contemplated by *Bobrow*, but is wholly antagonistic to the purpose and thrust of that patent, which aims to prevent altogether the outputting of a copyright image, at any resolution whatsoever.

Thus, it is believed to be clear that the proposed combination of these patents fails entirely to take account of the very different purposes between the two patents, and does not (and cannot) provide a proposed motivation for the combination that would not involve ignoring, and in fact frustrating, the purpose of the technologies respectively shown in those two patents. Accordingly, Applicant respectfully submits that the proposed combination is not a permissible one, but in fact is one that could not have been made by a person of ordinary skill without that person having received a suggestion to do so, from Applicant's own disclosure.

For at least these reasons, Claim 1 is believed to be clearly allowable over *Bobrow* and *Yeomans*, taken separately or in any possible combiantion (if there is any).

Independent Claims 42 and 47 are respectively a method claim and a storage-medium claim corresponding to apparatus Claim 1, and are deemed to be allowable over that patent for at least the same reasons as are discussed above with regard to Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references

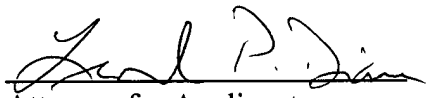
against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from independent Claim 1, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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